

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WESTFIELD EAST MAIN STREET LLC,

Plaintiff,

v.

C. DAVID TRADER, JEAN M. TRADER,  
DONALD GOVE, MICHALE BRETON,  
BRADFORD MOIR, MARY MOIR,  
INTERSTATE BUILDING SUPPLY, INC.  
and LUMBER CENTER, INC.,

Defendants.

Civil Action  
No. 04-30170-MAP

**WESTFIELD EAST MAIN STREET LLC'S  
RULE 26 INITIAL DISCLOSURE STATEMENT**

Plaintiff Westfield East Main Street LLC ("Westfield"), by and through its attorneys, and, pursuant to Fed. R. Civ. P. 26(a)(1), provides the following initial discovery disclosures based upon information currently available:

- (A) The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Each of the following individuals possess knowledge about the potential Home Depot development in Westfield, Massachusetts and the litigation commenced in an effort to prevent or, at a minimum, delay such development.

1. C. David Trader  
160 Munger Hill Road  
Westfield, Massachusetts 01085

2. Jean M. Trader  
160 Munger Hill Road  
Westfield, Massachusetts 01085
3. Joseph B. Mitchell  
153 Munger Hill Road  
Westfield, Massachusetts 01085
4. Teresa K. Mitchell  
153 Munger Hill Road  
Westfield, Massachusetts 01085
5. Donald Gove  
100 Court Street  
Westfield, Massachusetts 01085
6. Mark D. Siebert  
56 Klondike Avenue  
Westfield, Massachusetts 01085
7. Brian Burke  
3 Lois Street  
Westfield, Massachusetts 01085
8. Michael Breton  
1162 East Mountain Road  
Westfield, Massachusetts 01085
9. Bradford Moir  
203 Western Avenue  
Westfield, Massachusetts 01085
10. Mary Moir  
203 Western Avenue  
Westfield, Massachusetts 01085
11. William J. Pudlo, P.C.  
7 Park Drive  
West Springfield, Massachusetts 01090
12. Karro Frost  
New England Environmental, Inc.  
9 Research Drive  
Amherst, Massachusetts 01002
13. Representative from Lumber Center, Inc.

14. Richard Battistoni  
Interstate Building Supply, Inc.  
635 College Highway  
Southwick, Massachusetts
  15. Michael Rowe  
136 Loomis Street  
Westfield, Massachusetts 01090
  16. Representative from Westfield East Main Street LLC and/or Konover Development Corporation.
  17. Representative from Home Depot U.S.A., Inc.
- (B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment:
1. All pleadings and filings in the matter captioned *Trader et al. v. Golledge, Konover Development Corp., and Home Depot USA, Inc.*, C.A. No. 03-1085, including the administrative record and all attachments to such pleadings and filings;
  2. Affidavit of Mark D. Seibert, with attachments
  3. Affidavit of Joseph B. Mitchell, with attachments.
- (C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

By filing this appeal, Defendants are delaying the consummation of the sale of land located at 514 East Main Street, Westfield, Massachusetts, from Westfield East Main Street LLC to Home Depot USA. This delay is causing Westfield East Main Street LLC to suffer significant carrying costs and to incur financial losses. Westfield East Main Street LLC has incurred significant carrying costs, which include its maintenance costs, property tax, property and

liability insurance, and interest costs totaling an average of \$22, 388.50 / month. Specifically, Westfield East Main Street LLC's average monthly carrying costs include: (i) \$5,454.14 for maintenance including landscaping, snow removal, and other general maintenance; (ii) \$2,692.06 for property tax; (iii) \$2,123.63 for property and liability insurance; and (iv) \$12,118.67 in interest costs. Assuming that this appeal will take a year to resolve, Westfield East Main Street LLC will incur carrying costs in the amount of \$268,662. (calculated from September 1, 2004 through August 31, 2005). In the event that the sale to Home Depot USA falls through as a result of the Defendants' conduct, the damages will be more substantial and Westfield East Main Street LLC will amend this disclosure accordingly.

In addition, Westfield East Main Street LLC seeks multiple damages and attorneys' fees under Mass. Gen. L. c. 93A.

- (D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment:

N/A

WESTFIELD EAST MAIN STREET LLC  
By its attorneys,

/s/ David A. Brown

David A. Brown, BBO# 556161

Pamela A. Zorn, BBO# 640800

Sherin and Lodgen LLP

101 Federal Street

Boston, Massachusetts 02110

(617) 646-2000

Dated: January 31, 2005